

REMARKS/ARGUMENTS

In view of the following remarks, reexamination and reconsideration of this application, withdrawal of the rejections, and formal notification of the allowability the claim as presented are earnestly solicited. Claims 1-18 are pending. In response to the Office Action, Claims 1, 6, 8, 10, and 17 have been amended. The amendments find support throughout the Specification and the Drawings, and no new matter has been added. It is believed that the pending claims define patentable subject matter over the reference cited by the Examiner and notice to such effect is requested at the Examiner's earliest convenience.

Claim Rejections - 35 U.S.C. §112

Examiner has rejected Claims 1-18 under 35 U.S.C. §112, second paragraph. Specifically, Examiner has indicated that Claims 1, 6, 8 and 10 recite "capable of being raised or lowered without the use of draw strings" and that such a recitation "contradicts" the recitation of a "row of ties" in the same claims. Examiner has indicated that the "row of ties" represents a functional and mechanical equivalent of draw strings. Applicants continue to respectfully disagree with this assessment and interpretation of the recited claim language. However, in order to expedite the allowance of Claims 1, 6, 8 and 10 (and claims depending therefrom), Claims 1, 6, 8 and 10 have been amended to remove the recitation of "without the use of draw strings" from the claim preamble.

Examiner has also indicated that Claim 17 recites "the first, second or third row of ties" for which there is no antecedent basis. In response, Claim 17 has been amended to correct the antecedent basis issue highlighted by the Examiner. Support for this amendment is found throughout the as-filed specification and figures such as, for example, in Figure 4. Accordingly, no new matter has been added.

Thus, Applicants respectfully submit that the above-referenced amendments to Claims 1, 6, 8, 10 and 17 serve to overcome Examiner's rejections of Claims 1-18 under 35 U.S.C. §112, second paragraph.

Claim Rejections - 35 U.S.C. §102

Examiner has also rejected Claims 1-9, 11-14 and 16 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,671,508 to Gordon ("Gordon"). More specifically, Examiner has indicated that "Gordon" discloses a raisable window treatment (10) comprising rows of ties (11, 13), rows of openings (14) and a top tab (6). In response, Applicants respectfully traverse the rejections of Claims 1-9, 11-14, and 16.

Each of independent Claims 1 and 6 (and claims depending therefrom) specifically recite that a "row of ties [or openings (see Claim 6)] is affixed to the window treatment along an upper portion of the window treatment" and a "at least one row of openings [or ties (see Claim 6)] is positioned along a lower portion of the window treatment." Furthermore, Claim 8 explicitly recites a "row of ties extending horizontally across the upper portion of the window treatment" and that "each row of openings extends horizontally across the window treatment." In contrast, Gordon discloses tie cords (11,13) and eyelets (14) (as shown, for example, in Figure 1) that extend in "curved lines arranged on both sides and symmetrically with respect to a central line [see element 12, Figure 1] extending transversely of the length of the material." See Gordon, at column 1, lines 32-36 and at column 3, lines 3-7. Thus, Gordon fails to disclose (and more particularly, teaches away from) a row of ties or openings positioned along an upper portion of a window treatment (as recited in pending Claims 1 and 6), much less a row of ties or openings extending horizontally across a window treatment (as recited in pending Claim 8).

The Applicants respectfully submit that for a rejection to be proper under 35 U.S.C. §102(b), the cited reference must "teach every element of the [rejected] claim." See MPEP §2131. In contrast, and as outlined above, Gordon does not disclose a row of ties or openings positioned along an upper portion of a window treatment, as recited in Claims 1 and 6, or a row of ties or openings extending horizontally across a window treatment, as recited in Claim 8.

Thus, for at least the reasons stated above, Applicants respectfully submit that the recitations of independent Claims 1, 6, and 8 are patentably distinct from Gordon. In addition, the pending Claims 2-5, 7, 9, 11-14, 16 and 17 depend from one of Claims 1, 6, and 8 and are patentably distinct from Gordon for at least the same reasons stated above.

Claim Rejections - 35 U.S.C. §103

Examiner has rejected Claims 10, 15, 17, and 18 under 35 U.S.C. §103(a) as being obvious over Gordon. In response, Applicants respectfully traverse the rejections of Claims 10, 15, 17, and 18.

In rejecting Claims 10, 15, 17, and 18 under 35 U.S.C. §103(a), Examiner has stated that “while Gordon ‘508 sets forth only two rows of ties as opposed to the claimed three rows of ties, it would have been within the purview of the artisan of ordinary skill in the art to have utilized additional rows of ties for their explicit purpose of raising the window treatment.” However, Examiner does not address the fact that Claim 10, and Claims 15 and 18 depending therefrom, explicitly recites that the recited row of openings and rows of ties are “**extending horizontally across the window treatment**” as discussed above with respect to Claim 6. As discussed above, Gordon **teaches away** from providing a horizontally-extending row of openings and ties and instead teaches tie cords (11,13) and eyelets (14) (as shown, for example, in Figure 1) that extend in “curved lines arranged on both sides and symmetrically with respect to a central line [see element 12, Figure 1] extending transversely of the length of the material.”

Gordon further discusses that the cords and eyelets should be tied together to produce a “pleated drapery ready for hanging over brackets or nails secured to opposite sides of the window frame.” See Gordon, at column 2, lines 4-8. As shown in Gordon, Figure 2, neither the cords nor eyelets of Gordon are visible or accessible to a user for “**removably securing** at least a portion of the window treatment in a raised position” as specifically recited in Claim 10.

Thus, Gordon **teaches away** from the horizontal arrangement of the ties and openings as well as “removably securing” the window treatment in a raised position” as specifically recited in Claim 10 (and Claims 15 and 18 depending therefrom). The Applicants thus respectfully submit that Gordon does not teach or suggest the recitations of Claim 10, much less the more specific recitations of Claims 15 and 18 depending therefrom.

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CONCLUSION

In conclusion, Gordon **does not** disclose, teach, or suggest the recited elements of the present invention. Accordingly, in view of the above differences between the Applicants' invention and the cited reference, the Applicants submit that the present invention, as defined by the pending claims, is patentable over the reference cited in the Office Action. As such, for the reasons set forth above, the pending claims are believed to be in condition for immediate allowance and notice to such effect is respectfully requested at the Examiner's earliest opportunity.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR §1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

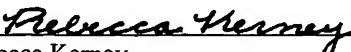
Jason O. Piché
Registration No. 53,468

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Raleigh Office (919) 862-2200
Fax Raleigh Office (919) 862-2260

"Express Mail" mailing label number: EV387075453US

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Rebecca Kerney